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5 Attorneys for Defendant
BIG O TIRES – NORTHERN CALIFORNIA
6 AND NORTHERN NEVADA OWNERS
EMPLOYEE WELFARE BENEFIT PLAN
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DANIEL CRUM,) CASE NO. CIV.S-04-0125 DFL PAN
12 Plaintiff,)
13 v.)
14 UNUM LIFE INSURANCE COMPANY OF)
AMERICA, a Maine Corporation,)
15 UNUMPROVIDENT, a Delaware corporation, BIG)
OF TIRES OF NORTHERN CALIFORNIA AND)
16 NORTHERN NEVADA, a California Corporation,)
BIG O TIRES – NORTHERN CALIFORNIA AND)
17 NORTHERN NEVADA OWNERS, an employee)
welfare benefit plan, and DOES 1 through 1000,)
18 inclusive,)
19 Defendants.)
20 _____)
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STIPULATION OF DISMISSAL WITH PREJUDICE OF
ENTIRE ACTION; [PROPOSED] ORDER THEREON

1 Plaintiff Daniel Crum (“plaintiff”), defendants Unum Life Insurance Company of America,
2 UnumProvident Corporation, and Big of Tires of Northern California and Northern Nevada, a
3 California Corporation, Big O Tires – Northern California and Northern Nevada Owners, an
4 employee welfare benefit plan (collectively “defendants”), through their respective attorneys of
5 record, Steven Duditch, Esq., on behalf of plaintiff, and Michael G. Glanzberg, Esq. of Kelly,
6 Herlihy & Klein, on behalf of defendants, HEREBY STIPULATE that the above-captioned matter
7 and all claims of relief therein can be dismissed with prejudice in its entirety. Each party to bear its
8 own costs.

9 IT IS SO STIPULATED.

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11 Date: October __, 2005

12 By _____ /s/
13 Steven Duditch
14 Attorneys for Plaintiff
15 Daniel Crum

16 KELLY, HERLIHY & KLEIN LLP

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18 Dated: October __, 2005

19 By _____ /s/
20 Michael G. Glanzberg
21 Attorneys for Defendants
22 Unum Life Insurance Company of America,
23 UnumProvident Corporation and Big of Tires
24 of Northern California and Northern Nevada, a
25 California Corporation, Big O Tires – Northern
26 California and Northern Nevada Owners

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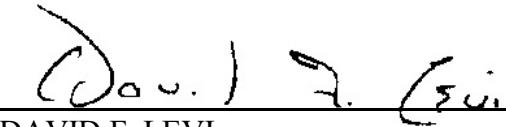
O R D E R

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IT IS SO ORDERED.

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Dated: 11/18/2005

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31 DAVID F. LEVI
32 United States District Judge

33 STIPULATION OF DISMISSAL WITH PREJUDICE OF
34 ENTIRE ACTION; [PROPOSED] ORDER THEREON

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STIPULATION OF DISMISSAL WITH PREJUDICE OF
ENTIRE ACTION; [PROPOSED] ORDER THEREON